

From: Harvey, Benjamin (FHWA)
To: Ames, John A (Drew); Brozey, Lisa; Gerling, Heather; Thompson, Kristina L; Mock, Kevin W
Subject: [External] FW: Skinners Falls Bridge Adverse Effect Finding
Date: Friday, December 20, 2024 4:00:44 PM
Attachments: image001.png
image002.png

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Good afternoon all,

Below is the response we received from the ACHP regarding the project. I will be discussing this in more detail with our FPO.

I will let you all know what I learn.

Ben



U.S. Department of Transportation
Federal Highway Administration

Benjamin Harvey (he/him/his)
Environmental Protection Specialist

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From: Jaime Loichinger <jloichinger@achp.gov>

Sent: Friday, December 20, 2024 1:56 PM

To: Harvey, Benjamin (FHWA) <benjamin.harvey@dot.gov>

Cc: Rachael Mangum <rmangum@achp.gov>; Kasey Miller <kmiller@achp.gov>; Goddard, Michelle (FHWA) <michelle.goddard@dot.gov>; Crobak, Jennifer (FHWA) <jennifer.crobak@dot.gov>; FHWA-FPO <FHWA-FPO@dot.gov>

Subject: Skinners Falls Bridge Adverse Effect Finding

This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am providing a response within the requested 5-day timeline to the emergency notification from the Federal Highway Administration (FHWA) regarding the demolition of the Skinners Falls Bridge crossing the Delaware River, connecting the communities of Milanville, PA, and Skinners Falls, NY.

The ACHP was previously notified about concerns with the Section 106 review for this project. In our November 2024 follow-up with FHWA, we learned that the proposed path to conclude the Section 106 review would result in the development of a Programmatic Agreement (PA) that would allow for the immediate removal of the bridge, followed by a determination on the ability to rehabilitate and reinstall the bridge in its current location. We find that the timing of the emergency declaration after the proposed path forward with a PA, developed in consultation with both the Pennsylvania and New York State Historic Preservation Offices as well as other consulting parties, may result in those consulting parties questioning the validity of the emergency declaration.

Further, we note from your email that the poor condition of the bridge has been known for at least five years, and it is unclear whether there was action that could have been taken that would have prevented its deterioration to the point of potential collapse. As you know, 36 CFR 800.5(a)(2)(vi) identifies neglect of a property which causes its deterioration as an adverse effect itself. Utilizing the emergency procedures as a way to circumvent the meaningful consideration of avoidance or minimization measures to resolve the adverse effect undermines the intent of Section 106. Mitigation of the loss of the bridge after the fact is one issue to be addressed in continuing consultation, which must also assess the circumstances that led to the bridge's deterioration.

Please include the ACHP in all future correspondence with all consulting parties to address the bridge's demolition and FHWA's proposed measures to resolve and hopefully prevent recurrence of this type of outcome. Should you have any further questions, please contact Ms. Kasey Miller, FHWA liaison, at kmiller@achp.gov.

Sincerely,

Jaime Loichinger (she/her)

Director, Office of Federal Agency Programs

Advisory Council on Historic Preservation

(202) 517-0219 | jloichinger@achp.gov

From: Harvey, Benjamin (FHWA) <benjamin.harvey@dot.gov>
Sent: Tuesday, December 17, 2024 4:10 PM
To: e106 <e106@achp.gov>; Kasey Miller <kmiller@achp.gov>
Cc: FHWA-FPO <FHWA-FPO@dot.gov>; Goddard, Michelle (FHWA) <michelle.goddard@dot.gov>; Crobak, Jennifer (FHWA) <jennifer.crobak@dot.gov>
Subject: [External] Skinners Falls Bridge Adverse Effect Finding

Good afternoon Kasey,

Attached is the e-106 filing for the Skinners Falls Bridge Project. This bridge has been closed to vehicular and pedestrian traffic since 2019, but has continued to deteriorate. The failed state of the bridge was declared an emergency by PA Governor Josh Shapiro on December 16, 2014, and demolition of the bridge has been proposed. PennDOT's Cultural Resource Professionals have reviewed the project, and have found that the project would result in an Adverse Effect to the NRHP-listed Skinners Falls Bridge and the NRHP-listed Milanville Historic District. The project will have no effect to significant archaeological resources. Consultation with the PA and NY SHPOs is being conducted under emergency procedures in compliance with 36CFR§800.12 and PennDOT Publication 689: Cultural Resources Handbook, Chapter XIII: Emergencies and Late Discoveries. Comments from consulting parties and the SHPOs has been requested within 5 days. Coordination with all consulting parties will continue to occur in order to determine appropriate mitigation.

If you have any questions regarding this emergency project or the ongoing coordination, please reach out to me.

All the best,

Ben Harvey



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Federal Highway Administration

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